APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHOULES, JACK M

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/770,702	TURNBULL ET AL.
	Examiner	Art Unit
	Jack M. Choules	2167

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 October 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-77* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *59-63* is/are allowed.

6)☒ Claim(s) *51-58 and 64-77* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claims 51-77 are presented for examination, see the objection below, claims 1-50 having been previously canceled by the applicant.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not) claims 1-50 were originally presented in the current application.

Misnumbered claims 32-58 have been renumbered 51-77.

Claims 51 rejected under 35 U.S.C. 103(a) as being unpatentable over Bharat.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 64-69 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 64 recites the limitation "the context relevant hierarchy" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claims 65-69 incorporate the error of claim 64 through dependence.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 51-58, 64-66, 68-71 and 75-77 are rejected under 35 U.S.C. 102(e) as being

anticipated by Bharat, US patent No. 6,810,395 B1.

As to claim 51, Bharat teaches the invention substantially as claimed including a data

processing system ['DP'] comprising:

"A method for interacting with an information repository, the repository storing objects in

an object space, a user accessing the object space through a network interface

application, the method comprising:

executing a personalized relevance interface application within the network interface

application" (figure 4(b) and column 6, lines 11-15 and 41-50), "the personalized

relevance interface application adaptively maintaining a collection of content pointers

accessible by the network interface application" (column 5, lines 39-52 and column 6

lines 1-10), each content pointer corresponding to an object within the object space, the

collection of content pointers organized as a grouping of sets of indicia (column 5; lines 26-38);

generating a subject keyword (column 4 lines 50-64);

retrieving from the object space with the network interface application objects relevant to the subject keyword (figure 1, index 104);

and organizing and displaying the retrieved objects with the personalized relevance interface application in accordance with a relevance context associated with at least one user (figure 2(a), column 5, lines 39-52).

As to claim 52, Bharat teaches "The method according to claim 51, further comprising: maintaining a historical record of object interaction by a user ; enabling storage or selection of preferred objects by a user; and wherein the relevance context of the at least one user is derived at least in part from the preferred objects selected by the user as indicated in the Historical record" (column 6, lines 1-10).

As to claim 52, Bharat teaches "The method according to claim 51, wherein the network interface application comprises a network browser application configured to display content design an object, the personalized relevance interface application automatically generating the subject keyword from the content of a displayed object" (column 4, lines 23-39 Note: since the query is matched to the document terms in the query would also be in or from the content of the objects the query returned).

As to claim 54, Bharat teaches "The method according to claim 51, wherein the network interface application comprises a network browser application configured to display

content defining an object, the personalized relevance interface application

automatically generating the subject keyword in response to a user input of one or more

keywords" (column 4, lines 23-39).

As to claim 55, Bharat teaches "The method according to claim 51, wherein organizing

and displaying the retrieved objects comprises evaluating a historical record of user

behavior with respect to the displayed objects (column 6, lines 1-10).

As to claim 56, Bharat teaches "The method according to claim 55, wherein the user

behavior is selected from the group consisting of a user dwell time at a particular object,

a number of repeat visits to a particular object, and a number of purchases made from a

particular Web site (column 6, lines 1-10).

As to claim 57, Bharat teaches "The method according to claim 55, further comprising:

the personalized relevance interface application establishing a catalog of relevant object

collections based upon the historical record of user behavior (column 4, lines 50-64 and

column 6, lines 1-10); and the personalized relevance interface application

automatically populating the catalog with relevant object collections based upon the

historical record of user behavior (column 4, lines 50-64 and column 6, lines 1-10).

As to claim 58, Bharat teaches "The method according to claim 57, wherein the catalog

comprises a listing of object space domains (column 5 lines 39-46).

As to claim 64, Bharat teaches "A method for interacting with an information repository,

the repository storing object in an object space, a user accessing the object space

through a network interface application, the method comprising:

executing a personalized relevance interface application within the network interface

application" (figure 4(b) and column 6, lines 11-15 and 41-50), "the personalized

relevance interface application adaptively maintaining a collection of content pointers

accessible by the network interface application" (column 5, lines 39-52 and column 6

lines 1-10), each content pointer corresponding to an object within the object space, the

collection of content pointers organized as a grouping of sets of indicia (column 5; lines

26-38);

enabling a user to browse through a plurality of objects within the object space using the

personalized relevance interface application (column 6, lines 1-10);

enabling the user to access particular ones of the objects (column 6, lines 1-10);

 and assigning with the personalized relevance interface application each such

accessed object to a position within the context relevant hierarchy (column 5 lines 39-

46).

As to claim 65, Bharat teaches "The method according to claim 64, further comprising:

evaluating a content indicia of each object accessed (column 5, lines 39-46);

and displaying with the personalized relevance interface application the context relevant

hierarchy to the user in accordance with a ranking order determined by a user profile

associated with the user" (column 5, lines 39-46).

As to claim 66, Bharat teaches "The method according to claim 65, wherein the user

profile comprises a relevance model, the relevance model adaptively redefining the

context relevant hierarchy in accordance with objects accessed by a user" (column 6

lines 1-10).

As to claim 68, Bharat teaches "The method according to claim 66, the relevance model

adaptively redefining the context relevant hierarchy in accordance with a user's

browsing interaction metric" (column 6 lines 1-10).

As to claim 69, Bharat teaches "The method according to claim 68, wherein the user's

browsing interaction metric is selected from the group consisting of a user dwell time at

a particular page" (column 6 lines 1-10), "a number of repeat visits to a particular page,

a time of day at which a user visits a page, a time of year, a system type used to access

a page, and a number of purchases made from a particular domain."

As to claim 70, Bharat teaches "A method for interacting with an information repository,

the repository storing objects in an object space, a user accessing the object space

through a network interface application, the method comprising the steps of:

executing a personalized relevance interface application within the network interface

application" (figure 4(b) and column 6, lines 11-15 and 41-50), "the personalized

relevance interface application adaptively maintaining a collection of content pointers

accessible by the network interface application" (column 5, lines 39-52 and column 6

lines 1-10), "each content pointer corresponding to an object within the object space,

the collection of content pointers organized as a grouping of sets of indicia" (column 5; lines 26-38);

"establishing with the personalized relevance interface application a context relevant organization, the context relevant organization structured to contain a set of objects, the objects categorized in accordance with a user defined relevance metric" (column 4, lines 23-39, the queries are the user defined relevance metric);

"enabling a user to browse through a plurality of objects within the object space using the personalized relevance interface application" (column 5, lines 39-46);

"enabling the user to access particular ones of the objects" (column 5, lines 39-46); "and evaluating with the personalized relevance interface application a content indicia of each object accessed" (column 4, lines 23-39, the category name derived from the query is considered to be the content indicia);

"assigning with the personalized relevance interface application each such accessed object to a position within the context relevant organization" (column 5, lines 39-46); and adaptively arranging with the personalized relevance interface application the position of accessed objects in the context relevant organization in accordance with a user's browsing interaction behavior metric describing user behavior" (column 6 lines 1-10).

As to claim 71, Bharat teaches "The method according to claim 70, wherein the collection of content pointers is adaptively defined in accordance with the context relevant organization (column 5, lines 29-46 and column 6 lines 1-10).

As to claim 75, Bharat teaches "The method according to claim 70, further comprising: maintaining a record of browsing interaction behavior metrics by a user; enabling storage or selection of preferred objects by a user; and deriving the relevance context from the record of browsing interaction behavior metrics".

As to claim 76, Bharat teaches "The method according to claim 75, wherein maintaining a record of browsing interaction behavior metrics further comprises analyzing user behavior with respect to displayed objects, and deriving the relevance context from the user behavior".

As to claim 77, Bharat teaches "The method according to claim 76, wherein the user behavior is selected from the group consisting of a user dwell time at a particular object, a number of repeat visits to a particular object, a time of day, a time of year, a system used to access an object, and a number of purchases made from a particular Web domain".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were

made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 67 and 72-74 rejected under 35 U.S.C. 103(a) as being unpatentable over

Bharat as applied to claims to claims 64 and 70 in the rejection of these claims above.

As to claims 67 and 72-74, Bharat describes elements of the claims as already set forth

in the rejections set forth above, However, Bharat does not specifically detail a system

comprising "object information from a plurality of network domains, each including a

plurality of content pages organized in accordance with a product hierarchy" Bharat

does describe a system which includes search engines which search the entire internet

(column 2, lines 26-44 and figure 2(b) index 204) it is implicit that the entire internet

includes a plurality of network domains where at least some of the domains include

pages organized in a product hierarchy.

It would have been obvious to one of ordinary skill in the DP art at the time of the

applicant's invention to combine the teachings of Bharat and the domains known to exist

on the internet because using the system across all the internet including pages in

domains containing product information and in a product hierarchy improves the utility of

the DP system detailed by Bharat.

Allowable Subject Matter

Claims 59-63 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not show or suggest all the elements of the claims in

particular in claim 59 the prior art does not suggest "receiving a request for a relevance

search for the accessed object; evaluating with the personalized relevance interface

application a content indicia of the particular object accessed and *automatically*

retrieving an additional set of objects from the object space, each retrieved object

associated with the content indicia; and organizing and displaying the additional set of

objects with the personalized relevance interface application in accordance with a

relevance context derived from the collection of content pointers."

Claims 60-63 incorporate the elements of 59 and are thus allowable over the art of

record for at least the same reasons.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Yu   US 6,067,552 A   Hierarchical list of pointers to objects for user terms.

Ford et al.   US 6,963,867 B2   Category ranked search results.

Elbert   EP 1,120,719 A2   Personal Hierarchy to display objects retrieved.
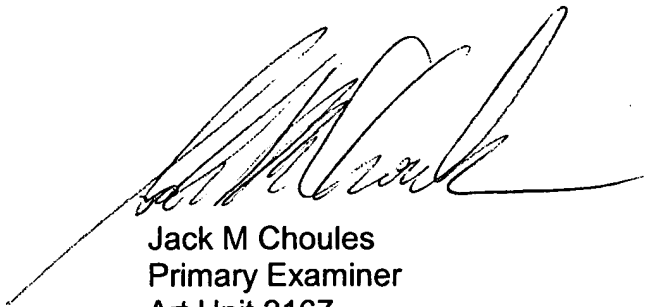

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jack M. Choules whose telephone number is (571) 272-

4109. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jean R. Homere can be reached on (571) 272-3780. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Jack M Choules
Primary Examiner
Art Unit 2167

23 December 2005